

02D01-1902-CT-000114

Allen Superior Court 1

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Clerk  
Allen County, Indiana  
BB

STATE OF INDIANA	)		IN THE ALLEN SUPERIOR COURT
	)	SS:	
COUNTY OF ALLEN	)		CAUSE NO. _____
ALVIN DAVIS,	)		
	)		
Plaintiff,	)		
	)		
v.	)		
	)		
FEDEX FREIGHT,	)		
	)		
Defendant.	)		

**COMPLAINT**

Plaintiff, Alvin Davis alleges against FedEx Freight that:

1. Plaintiff is Alvin Davis, an African-American/black male who is a qualified individual with a disability and who filed three (3) Charges of Discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging that his employer FedEx Freight discriminated against him and retaliated against him on account of his race, color, and disability (Charges 470-2018-03977, 470-2018-03993, 470-2018-04481), all attached hereto, made a part hereof, and incorporated herein as Exhibits A, B and C. Notices of Right to Sue in 470-2018-03977 and 470-2018-03993 are attached hereto and made a part hereof as Exhibits D and E. The Complaint will be amended to add the Notice of Right to Sue in Charge No. 470-2018-04481 as soon as it is issued by the EEOC.
2. Defendant FedEx Freight is a corporation authorized to do business in the State of Indiana and does so at 4901 Adams Center Road, Fort Wayne, IN 46806 and also has a facility located at 7306 North Baker Road, Fremont, IN 46737. It is believed that FedEx Freight is headquartered at P.O. Box 840, Code 22442200 Forward Drive,

Harrison, AR 72601. The registered agent for FedEx Freight is CT Corporation System, 251 East Ohio Street, Suite 1100, Indianapolis, IN 46204.

3. FedEx Freight is an “employer” for purposes of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *e et. seq.* (“Title VII”) and is an employer obligated to treat minorities and Caucasians the same with respect to the at-will contractual employment benefits pursuant to 42 U.S.C. § 1981, and likewise is an “employer” for purposes of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12111 *et. seq.* (“ADA”). Finally, Defendant FedEx Freight is an employer for purposes of the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 *et. seq.* (“FMLA”).
4. Plaintiff contends that he has been discriminated against, retaliated against, denied reasonable accommodations, has had his employment interfered with, and that he otherwise suffered adverse actions because of, and on account of, his race and color (black/African-American), his disability, his serious health condition which required that he take FMLA leave, a work-related injury suffered on the job which caused Plaintiff to seek workers compensation benefits which then prompted Defendant to retaliate against the Plaintiff in violation of the public policies and tort laws of the State of Indiana (retaliatory interference with employment).
5. As a direct and proximate result of Defendant’s actions, Plaintiff has suffered a loss of employment, including income; he has experienced emotional distress, mental anguish, humiliation, embarrassment, inconvenience, and other damages and injuries for which he seeks compensatory damages; the actions of the Defendant were intentional and in reckless disregard of Plaintiff’s federally protected civil rights in violation of the tort

laws and public policies of the State of Indiana warranting an imposition of punitive damages.

6. Plaintiff seeks injunctive relief and declaratory relief from the Court, to-wit, in order an Order from the Court declaring Defendant's actions unlawful under Title VII, 42 U.S.C. § 1981, the ADA, and the FMLA, and restitution in the form of ordering Plaintiff reinstated with full benefits and income and all other just and proper relief.
7. The parties entered into a Tolling Agreement which is attached hereto and made a part hereof as Exhibit F which provides that the Plaintiff could file his Complaint by February 25, 2019, and that by filing by that date all claims would be deemed timely filed.

WHEREFORE, Plaintiff prays for judgment against the Defendant, for all appropriate legal damages and equitable relief, including back pay, front pay, compensatory damages, punitive damages, liquidated damages under the FMLA, reasonable attorneys fees and costs, and all other just and proper relief in the premises.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

**CHRISTOPHER C. MYERS & ASSOCIATES**

/s/Christopher C. Myers

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